HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.15687 of 2007

Date: 24-07-2007.

Between :

Sainath Estates Pvt. Ltd., Secunderabad,
rep. by its Director.

.....Petitioner

And

Commercial Tax Officer, Begumpet Circle,
Hyderabad & others.

.....Respondents.

HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.15687 of 2007

ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned counsel for the parties. With their consent, the writ petition is disposed of at this stage.

The controversy is that during pendency of appeal, garnishee notice has been issued. Even stay application is pending before the authority concerned. In this view of the matter, we feel that the garnishee notice should have not been issued. Therefore, we allow the writ petition, set aside the impugned garnishee notice and direct that no coercive steps be taken against the petitioner if he deposits 50% of the disputed tax and 25% of the disputed penalty amount within a period of eight weeks from today. For eight weeks, there shall be an unconditional stay and stay shall continue till disposal of appeal, provided the amount is deposited within the stipulated time. The deposit of amount shall be without prejudice to the rights of the petitioner in appeal. If any amount has already been paid by the petitioner, the same shall be given credit.

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BILAL NAZKI, J

24th July 2007

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S. ANANDA
REDDY, J

N.B:

Order by wire at party's cost.

(b/o)

ajr